

8-27-07

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PTO/SB/21 (04-07)

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## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number 09/638,939 10/038,939

Filing Date January 4, 2002

First Named Inventor Robert M. Fitzgerald

Art Unit 2618

Examiner Name Blane J. Jackson

Attorney Docket Number 10105.002

### ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <ul style="list-style-type: none"> <li>- Request for Examiner Interview</li> <li>- Payment for [Signature]</li> </ul>
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53		
Remarks		

### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Law Office of Chad C. Soliz, LLC		
Signature			
Printed name	Chad C. Soliz		
Date	August 24, 2007	Reg. No.	47,101

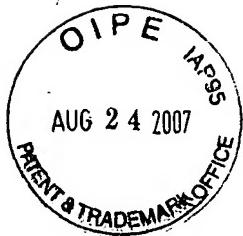
### CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature	
Typed or printed name	Chad C. Soliz
Date	August 24, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Express Mail No.: EB629806749US  
Attorney Docket: 10105.002

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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In Re the Application of: Robert M. Fitzgerald  
Application No.: 10/038,939  
Filing Date: January 4, 2002  
Title: CORDLESS TELEPHONE HEADSET SYSTEM  
Assignee: Fitzcom, Inc.

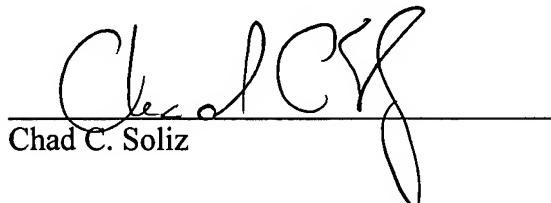
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1. I am an employee, agent or member of the Law Office of Chad C. Soliz, LLC, 1401 South Taft Avenue, Suite 202, Loveland, Colorado, 80537.
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Chad C. Soliz



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*Effective on 12/08/2007 TRADEMARKS*

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

# FEE TRANSMITTAL For FY 2007

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)

610.00

## Complete if Known

Application Number	09/038,939- 10/038,939
Filing Date	January 4, 2002
First Named Inventor	Robert M. Fitzgerald
Examiner Name	Blane J. Jackson
Art Unit	2618
Attorney Docket No.	10105.002

## METHOD OF PAYMENT (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_

Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

Charge fee(s) indicated below  Charge fee(s) indicated below, except for the filing fee

Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17  Credit any overpayments

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

## FEE CALCULATION

### 1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

### 2. EXCESS CLAIM FEES

#### Fee Description

Each claim over 20 (including Reissues)

Each independent claim over 3 (including Reissues)

Multiple dependent claims

Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	Small Entity	Fee (\$)	Fee (\$)
- 20 or HP =	x	=		50	25	
HP = highest number of total claims paid for, if greater than 20.				200	100	
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)	360	180	
- 3 or HP =	x	=				
HP = highest number of independent claims paid for, if greater than 3.						

### 3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets    Extra Sheets    Number of each additional 50 or fraction thereof    Fee (\$)    Fee Paid (\$)

- 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

### 4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Excess claim fee for newly added claims, petition for ext time fee.

\$610.00

## SUBMITTED BY

Signature		Registration No. (Attorney/Agent) 47,101	Telephone 970-461-9375
Name (Print/Type)	Chad C. Soliz		Date August 24, 2007

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Express Mail No.: EB 60980674945  
Attorney Docket: 10105.002

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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In Re the Application of: Robert M. Fitzgerald  
Application No.: 10/038,939  
Filing Date: January 4, 2002  
Title: CORDLESS TELEPHONE HEADSET SYSTEM  
Assignee: Fitzcom, Inc.

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2. I have this day deposited the attached Fee Transmittal (1 page) (PTO/SB/17) and postcard with the United States Postal Service as Express Mail, postage prepaid, for mailing to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated this 21 day of August, 2007.

  
\_\_\_\_\_  
Chad C. Soliz



Express Mail No.:

EB 629806749US

Attorney Docket: 10105.002

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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In Re the Application of: Robert M. Fitzgerald

Application No.: 10/038,939

Filing Date: January 4, 2002

Title: CORDLESS TELEPHONE HEADSET SYSTEM

Assignee: Fitzcom, Inc.

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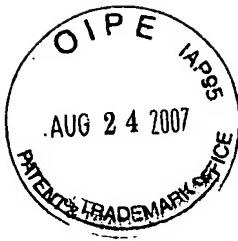
1. I am an employee, agent or member of the Law Office of Chad C. Soliz, LLC, 1401 South Taft Avenue, Suite 202, Loveland, Colorado, 80537.
2. I have this day deposited the attached Amendment and Request for Reconsideration under 37 C.F.R. section 1.111 (21 pages) with the United States Postal Service as Express Mail, postage prepaid, for mailing to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated this 24 day of August, 2007.

A handwritten signature in black ink, appearing to read "Chad C. Soliz". The signature is written in a cursive, fluid style.

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Chad C. Soliz



Express Mail No.: EB 62980674945  
Attorney Docket: 10105.002

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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

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In Re the Application of: Robert M. Fitzgerald

Application No.: 10/038,939

Filing Date: January 4, 2002

Title: CORDLESS TELEPHONE HEADSET SYSTEM

Assignee: Fitzcom, Inc.

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Dated this 24 day of August, 2007.

A handwritten signature in black ink, appearing to read "Chad C. Soliz". It is signed over a horizontal line.



## Applicant Initiated Interview Request Form

Application No.: 10/038,939 First Named Applicant: Robert M. Fitzgerald  
 Examiner: Blane J. Jackson Art Unit: 2618 Status of Application: Non-Final OA

**Tentative Participants:**

(1) Chad C. Soliz, Attorney (2) Robert M. Fitzgerald, Inventor  
 (3) Blane J. Jackson, Examiner (4) \_\_\_\_\_

Proposed Date of Interview: September 12, 2007 Proposed Time: 9AM (AM/PM)

**Type of Interview Requested:**

(1) [ ] Telephonic (2) [x] Personal (3) [ ] Video Conference

Exhibit To Be Shown or Demonstrated: [x] YES [ ] NO

If yes, provide brief description: Analysis of pivotal rotation and hand-held configuration.

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) <u>103 Rejection</u>	<u>1-71</u>	<u>Hall et al.</u>	[ ]	[ ]	[ ]
(2) <u>103 Rejection</u>	<u>3, 4, 42, 43</u>	<u>Poon</u>	[ ]	[ ]	[ ]
(3) _____	_____	_____	[ ]	[ ]	[ ]
(4) _____	_____	_____	[ ]	[ ]	[ ]

[ ] Continuation Sheet Attached

**Brief Description of Arguments to be Presented:**

Analysis of the present invention in light of pivotal rotation from head-worn to hand-held configuration, with demonstration, and operation of prior art; lack of obviousness.

An interview was conducted on the above-identified application on \_\_\_\_\_.

NOTE: This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP § 713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

\_\_\_\_\_  
Applicant/Applicant's Representative Signature

Chad C. Soliz

\_\_\_\_\_  
Examiner/SPE Signature

\_\_\_\_\_  
Typed/Printed Name of Applicant or Representative  
47,101

\_\_\_\_\_  
Registration Number, if applicable

This collection of information is required by 37 CFR 1.133. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Express Mail No.: EB629806749US  
Attorney Docket: 10105.002

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In Re the Application of: Robert M. Fitzgerald  
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2. I have this day deposited the attached Petition for Extension of Time under 37 C.F.R. 1.136(a) (1 page) (PTO/SB/22) with the United States Postal Service as Express Mail, postage prepaid, for mailing to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated this 24 day of August, 2007.

  
\_\_\_\_\_  
Chad C. Soliz



Express Mail No.: EB 62986749US  
Attorney Docket: 10105.002

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IN THE UNITED STATES PATENT AND  
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Filing Date: January 4, 2002  
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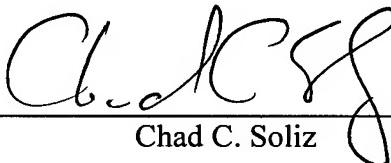
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Dated this 24 day of August, 2007.

  
\_\_\_\_\_  
Chad C. Soliz